

COMMISSIONERS:
ART GRAHAM, CHAIRMAN
LISA POLAK EDGAR
RONALD A. BRISÉ
EDUARDO E. BALBIS
JULIE I. BROWN

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK
CARLOTTA S. STAUFFER
COMMISSION CLERK
(850) 413-6770

Public Service Commission

February 20, 2014

Mr. Frederick Smallakoff
6651 Coronet Drive
New Port Richey, Florida 34655

**Re: 1st District Court of Appeal Case No. 1D14-0196 – Frederick Smallakoff vs.
Florida Public Service Commission, PSC Docket No. 060774-EI**

Dear Mr. Smallakoff:

Enclosed is the Index to the record on appeal regarding the above-referenced docket. Please review this index for content of the record.

Should you have any questions regarding this Index, please feel free to contact me. The record is scheduled to be filed in the First District Court of Appeals on or before May 5, 2014.

Sincerely,

A handwritten signature in cursive script that reads "Carlotta S. Stauffer".

Carlotta S. Stauffer
Commission Clerk

CSS: mhm
Enclosure

cc: Samantha Cibula, Commission Office of the General Counsel
Rosanne Gervasi, Commission Office of the General Counsel
Ken Hoffman, Florida Power & Light Company

**IN THE DISTRICT COURT OF APPEAL
FOR THE FIRST DISTRICT
STATE OF FLORIDA**

Frederick Smallakoff,)

Appellant,)

v.)

FLORIDA PUBLIC SERVICE COMMISSION,)

Appellee.)

DCA NO. 1D14-0196

LT No: 060774-EI

RECORD ON APPEAL IN THE MATTER OF

Complaint of Frederick Smallakoff against Florida Power & Light Company
concerning alleged improper bills, Case No. 696236E.

Mr. Frederick Smallakoff
6651 Coronet Drive
New Port Richey, Florida 34655
Telephone: (727) 372-8844

Rosanne Gervasi, Esquire
Samantha Cibula, Esquire
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
Telephone: (850) 413-6199

APPELLANT

ATTORNEYS FOR APPELLEE

INDEX (BY DATE)

PSC DOCKET NO. 060774-EI

Pursuant to Rule 9.200(d)(1)(B), Florida Rules of Appellate Procedure (Fla.R.App.P.), each volume has a cover sheet containing the name of the lower tribunal and the style and number of the case.

Volume 1

<u>DATE</u>	<u>BATES-STAMP PAGE NOS.</u>
12/01/06	Letter dated November 30, 2006, from Harold McLean, Office of Public Counsel (OPC), to Blanca S. Bayó, Florida Public Service Commission (Commission), with attached complaint material, filed on behalf of Frederick Smallakoff (Smallakoff); letter requests a formal complaint docket be opened to process complaint against Florida Power & Light Company (FPL) 1-19
12/04/06	Commission’s notice of complaint to FPL20
04/06/07	Letter dated April 6, 2007, from Martha C. Brown, Commission, to Smallakoff, providing Florida Administrative Code Rules and 2006 Florida Statutes that govern complaint against FPL21
04/12/07	Letter dated April 6, 2007, from Martha C. Brown, Commission, to Smallakoff, providing Florida Administrative Code Rules and 2006 Florida Statutes that govern complaint against FPL22 <i>[Clerk note: Letter has notation that it was remailed on April 12, 2007, to a different address.]</i>
04/17/07	Certified letter dated April 17, 2007, from Martha C. Brown, Commission, to Smallakoff, providing an example of a motion to stay, a copy of Martha C. Brown’s April 6, 2007, letter to Smallakoff, and relevant Florida Statutes and [FAC] Rules that govern complaint against FPL23
04/19/07	Certified letter dated April 19, 2007, from Martha C. Brown, Commission, to Smallakoff, advising staff has revised the schedule for the docket to provide requested additional time to develop information regarding complaint; and advising any documents and information to be considered in the staff recommendation should be received by September 20, 200724

04/27/07	Memorandum dated April 27, 2007, from Martha C. Brown, Commission, to Ann Cole, Commission, with attached correspondence from Smallakoff, dated April 22, 2007, and addressed to FPL to be placed in the docket file	25-31
09/21/07	Certified letter dated September 20, 2007, from Martha C. Brown, Commission, to Smallakoff, advising staff has revised the scheduled for the docket to provide requested additional time to develop information regarding complaint; requesting any documents and information to be considered in staff recommendation must be received by February 12, 2008, to be considered in the staff recommendation to be addressed at the March 4, 2008, agenda conference	32
12/31/07	Docket correspondence of parties and interested persons	33-91
09/22/10	FPL's notice that its September 2, 2010, verified motion to disqualify Commissioner Skop applies to Docket No. 060774-EI, with attached Appendix A	92-111
11/21/12	Letter dated November 21, 2012, from Martha C. Brown, Commission, to Smallakoff, advising a staff recommendation has been scheduled to be considered by the Commission at the January 24, 2013, Commission conference; requesting supporting information be submitted no later than December 21, 2012.....	112
12/31/12	Letter dated December 31, 2012, from Martha C. Brown, Commission, to Smallakoff, advising letter is staff's final effort to inform of intent to file a staff recommendation on complaint on January 10, 2013, to be considered by the Commission at its January 24, 2013, Commission conference	113
02/21/13	Memorandum dated February 21, 2013, from the Commission's Office of the General Counsel, Office of Consumer Assistance and Outreach, and Division of Economics to Commission Clerk, providing staff recommendation for the Commission conference, Item No. 1, to be held March 5, 2013	114-126
02/21/13	Letter dated February 21, 2013, from Martha C. Brown, Commission, to Smallakoff, forwarding staff recommendation, advising the billing complaint against Progress will be considered at the March 5, 2013, Commission conference, and invitation to participate at the Commission conference	127
03/05/13	Vote sheet from March 5, 2013, Commission conference, Item No. 1.....	128-129

03/11/13	Transcript of March 5, 2013, Commission conference, Item No. 1	130-140
03/13/13	PAA Order PSC-13-0123-PAA-EI denying complaint of Smallakoff.....	141-153
03/18/13	Letter dated March 18, 2013, from Michael Lawson, Commission, to Smallakoff, forwarding copies of PAA orders denying complaints in Docket Nos. 060774-EI and 120176-EI	154
03/26/13	Letter dated March 21, 2013, from Smallakoff, to Ann Cole, Commission, with attached documents, which were faxed on March 20, 2013, and placed in the correspondence folder; requesting documents be officially filed and made part of the record for Docket Nos. 060774-EI and 120176-EI.....	155-187
04/03/13	Letter dated April 1, 2013, from Smallakoff, to Commission Clerk, protesting and disagreeing with the decision to dismiss, issued by the Commission's Office of the General Counsel, and Order PSC-13-0123-PAA-EI; and purporting to request a formal proceeding	188-193
04/30/13	Order PSC-13-0183-PCO-EI denying, without prejudice, Smallakoff's request for formal proceeding	194-197

Volume 2

05/21/13	Letter dated May 18, 2013, from Smallakoff, to Commission Clerk, addressing order denying request for a formal proceeding.....	198-213
09/12/13	Memorandum dated September 12, 2013, from the Commission's Office of the General Counsel, Office of Consumer Assistance and Outreach, and Division of Economics to Commission Clerk, providing staff recommendation for the Commission conference, Item No. 2, to be held September 25, 2013	214-218
09/25/13	Vote sheet from September 25, 2013, Commission conference, Item No. 2.....	219
09/30/13	Transcript of September 25, 2013, Commission conference, Item No. 2..... <i>[Clerk note: Item Nos. 2 (Docket No. 060774-EI) and 3 (Docket No. 120176-EI) were taken together and one transcript was prepared.]</i>	220-238
10/14/13	Order PSC-13-0467-FOF-EI denying, with prejudice, Smallakoff's second request for a formal proceeding; docket closed	239-242

10/29/13	Letter dated October 28, 2013, from Smallakoff, to Ann Cole, Commission, titled motion for reconsideration of Case No. 696236E, Order PSC-13-0467-FOF-EI, issued October 14, 2013 243-253 <i>[Clerk note: Docket reopened to address motion.]</i>	243-253
12/05/13	Memorandum dated December 5, 2013, from the Commission's Office of the General Counsel, Office of Consumer Assistance and Outreach, and Division of Economics to Commission Clerk, providing staff recommendation for the Commission conference, Item No. 2, to be held December 17, 2013	254-258
12/17/13	Vote sheet from December 17, 2013, Commission conference, Item No. 2	259
12/19/13	Transcript of December 17, 2013, Commission conference, Item No. 2..... 260-263 <i>[Clerk note: Item Nos. 2 (Docket No. 060774-EI) and 3 (Docket No. 120176-EI) were taken together and one transcript was prepared.]</i>	260-263
12/20/13	Order PSC-13-0674-FOF-EI denying Smallakoff's motion for reconsideration of Order PSC-13-0467-FOF-EI; docket closed.....	264-266
01/15/14	Smallakoff's notice of appeal with attachment, Order No. PSC-13-0674-FOF-EI..... 267-270 <i>[Clerk note: Docket reopened and placed in litigation status.]</i>	267-270
01/15/14	Letter dated January 15, 2014, from Jon S. Wheeler, District Court of Appeal, First District, State of Florida (1st DCA), Clerk of the Court, to Carlotta S. Stauffer, Commission, acknowledging receipt of notice of appeal, Case No. 1D14-0196.....	271-272
01/15/14	1st DCA order stating that the appeal shall not proceed until the order of insolvency is filed, as required by Rule 9.430, Fla.R.App.P., or a \$300 fee is paid, as required by Section 35.22(3), F.S. (2011), Case No. 1D14-0196.....	273-274
01/15/14	Letter dated January 15, 2014, from Carlotta S. Stauffer, Commission, to Smallakoff, forwarding a copy of the notice of appeal, with attachment, Order No. PSC-13-0674-FOF-EI, and advising a certified copy of the notice of appeal and attachment is being electronically filed with the 1st DCA	275-279

Progress Docket

Pursuant to Rule 9.200(d)(1)(A), Fla.R.App.P., the document filings index for
Docket No. 060774-EI has been incorporated into the record immediately
after the index 280-282